THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18387 of 2005

Dated: 31-01-2006

Between:

K.Issaku and sixteen(16) others.

..... PETITIONERS

AND

The Superintendent of Police,

Vigilence and Enforcement,

Rajahmundry and five(5) others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18387 of 2005

O R D E R:

The petitioners, 17 in number, are the salesmen engaged by the 6th respondent-Consumer Co-operative Central Stores Limited (Varuna Super Bazaar, Bhimavaram). It is not in dispute that the 6th respondent is a Society registered under the provisions of the A.P. Co-operative Societies Act, 1964(for short 'the Act'). It is also not in dispute that the 6th respondent was granted authorization in respect of 17 fair price shops at Bhimavaram and for the said purpose, the writ petitioners were engaged as salesmen. While so, it was reported by the Officers of Vigilance and Enforcement Department that certain bogus ration cards were in circulation in Bhimavaram and out of the bogus cards detected, 80 cards were tagged on to the 14 fair price shops held by the 6th respondent-Society. It appears that similar allegations of holding bogus ration cards were made against the other fair price shops at Bhimavaram also and the essential commodities to the value of Rs.22,14,820/- were alleged to be misused.

In the circumstances, the Mandal Revenue Officer, Bhimavaram initiated action against the writ petitioners and a show cause notice dated 21-05-2005 was issued calling upon them to show cause as to why action should not be

taken for recovery of the amounts. That apart, the Revenue Divisional Officer, Narsapur by proceedings dated

17-07-2005 directed the 6th respondent to remove the petitioners as salesmen forthwith and to appoint reliable and suitable substitutes in their place. In the said proceedings the Managing Director of the 6th respondent-Society (Varuna Super Bazaar) was also warned not to give scope for such lapses in any of their branches in future. It appears that subsequently proceedings were initiated against the 6th respondent for cancellation of the authorization held by it and the same are still pending.

Be that as it may, in pursuance of the proceedings of the Revenue Divisional Officer, dated 17-07-2005, the 6th respondent passed orders dated 07-08-2005 terminating the services of the petitioners under the provisions of Bye-law No. 34 (b) (g) of the 6th respondent-Society. Aggrieved by the said action, this writ petition is filed seeking a writ of Mandamus declaring the proceedings of Revenue Divisional Officer dated 17-07-2005 as well as the consequential order of the 6th respondent dated 07-08-2005 as arbitrary and illegal.

I have heard the learned counsel for both the parties and perused the material on record.

The learned counsel for the petitioners submits that similar action was initiated against the dealers of other fair price shops at Bhimavaram for cancellation of the authorization held by them and in the circumstances they filed W.P.No.12970 of 2005 and batch, which were disposed of by this Court by order dated 25-08-2005 directing the Revenue Divisional Officer to conduct a detailed enquiry. The learned counsel also submits that since the enquiry against similarly situated fair price shop dealers is still pending, the petitioners herein may be granted an opportunity to participate in the said enquiry and to submit their objections.

On the other hand, learned counsel appearing for the 6th respondent as well as the learned Government Pleader appearing for the official respondents submit that in pursuance of the proceedings of the Revenue Divisional Officer dated 17-07-2005, since grave allegations were made against the petitioners, their services were terminated in accordance with the proceedings of the Bye-laws

of the 6th respondent-Society.

At the outset, it is to be noted that admittedly the petitioners are not fair price shop dealers and they are not holding any authorizations, but they were only engaged by the 6th respondent, which is a Society registered under the Act. May be that the services of the petitioners were disengaged consequent to the directions of the 4th respondent-Revenue Divisional Officer, but the said action is in terms of the Bye-laws of the 6th respondent-Society. In the circumstances, even if the petitioners are aggrieved, it is open to them to work out the appropriate remedy available under law, but they cannot seek redressal by invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India. On that ground alone, the writ petition is liable to be dismissed.

The submission of the learned counsel for the petitioners to permit the petitioners to participate in the enquiry initiated against the 6th respondent as well as the other fair price shop dealers cannot be accepted, since the petitioners, who are admittedly not holding any authorization under the control order, have nothing to do with the enquiry initiated under the provisions of the A.P. Public Distribution Control Order, 2001.

Accordingly, the writ petition is dismissed. No costs. However, it is made clear that this shall not preclude the petitioners to work out the appropriate remedy as available under law for redressal of their grievance if any.

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G.ROHINI,J

Dated:-31-01-2006

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